

2165\$  
B/93

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hoover et al.	Examiner:	Rosen, N.
Serial No.:	09/307,261	Group Art Unit:	2165
Filed:	May 6, 1999	Docket No.:	JARB.007PA
Title:	Previewing System and Method		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 10, 2004.

By: Erin M. Nichols  
Erin M. Nichols

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(c)**  
**AND REQUEST FOR NEW FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please amend the above-identified patent application to add the following inventors:

Joseph L. Parkinson and Robert Giannini. Pursuant to 37 C.F.R. § 1.48(c), the following documents are enclosed:

1. Inventor Statement Regarding Lack of Deceptive Intent;
2. Supplemental Combined Declaration And Power Of Attorney executed by the actual inventors;
3. Copy of Assignment from Joseph L. Parkinson and Robert Giannini to Jarbridge, Inc., executed December 5 and 7, 2004 (the original Assignment is being forwarded under separate cover to the Assignment Branch for recordation); and
4. Written Consent Of Assignee To Correct Inventorship And Certificate Under 37 CFR § 3.73, with attached copies of the Assignment recorded May 6, 1999 from the originally-named inventors to Diamonex, Inc. and the Assignment recorded March 8, 2000, from Diamonex, Inc. to Jarbridge, Inc.

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**BEST AVAILABLE COPY**

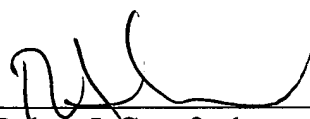
Please charge Deposit Account No. 50-0996 (JARB.007PA) the required fee of \$130.00 and charge/credit the same account number for any requisite fees/overages.

Also, please issue a new filing receipt with the corrected inventorship.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive  
Suite 390  
St. Paul, MN 55120  
651/686-6633

Dated: December 9, 2004

  
\_\_\_\_\_  
Robert J. Crawford  
Reg. No. 32,122



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hoover et al. Examiner: Rosen, N.  
Serial No.: 09/307,261 Group Art Unit: 2165  
Filed: May 6, 1999 Docket No.: JARB.007PA  
Title: Previewing System and Method

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By: Erin M. Nichols  
Erin M. Nichols

**INVENTOR STATEMENT REGARDING ERROR IN INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Joseph L. Parkinson and Robert Giannini, were inadvertently not named as inventors in the above-identified patent application. This error in inventorship occurred without any deceptive intent on our part. Correction of Inventorship is respectfully requested.

Attested to:

by Joseph L. Parkinson  
Joseph L. Parkinson

on December 10, 2004

and by \_\_\_\_\_  
Robert Giannini

on December \_\_\_\_\_, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hoover et al. Examiner: Rosen, N.  
Serial No.: 09/307,261 Group Art Unit: 2165  
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Alexandria, VA 22313-1450

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Attested to:

by \_\_\_\_\_  
Joseph L. Parkinson

on December \_\_\_\_, 2004

and by Robert L. Giannini  
Robert Giannini

on December 6<sup>TH</sup>, 2004

### ASSIGNMENT

WHEREAS, we, Robert Gianinni, residing at 333 River Street, Apt. 921, Hoboken, New Jersey, 07030, and Joseph L. Parkinson, residing at 123 West Highland View Drive, Boise, Idaho, 83702, made certain new and useful inventions and improvements for which we filed an application for letters Patent of the United States, which is entitled **Previewing System and Method**; Application No. 09/307,261, filed May 6, 1999, having Docket No. JARB.007PA.

AND WHEREAS, Jarbridge, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and principal place of business at 1101 West River Drive, Suite 130, Boise, Idaho 83702, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;


NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions,

applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

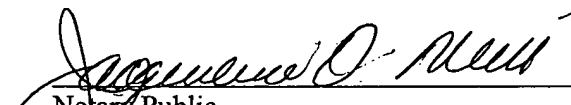
IN TESTIMONY WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of December, 2004.

  
Robert Gianinni

STATE OF New Jersey )  
COUNTY OF Hudson ) ss.

On this 7<sup>th</sup> day of December, 2004, before me personally appeared Robert Gianinni, known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

  
Notary Public

Jacqueline O'Neill  
Notary Public of New Jersey  
My Commission Expires 7/21/2008

(See accompanying document)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

[SEAL]

Page 3 of 3

**ASSIGNMENT**

WHEREAS, we, Robert Gianinni, residing at 333 River Street, Apt. 921, Hoboken, New Jersey, 07030, and Joseph L. Parkinson, residing at 123 West Highland View Drive, Boise, Idaho, 83702, made certain new and useful inventions and improvements for which we filed an application for letters Patent of the United States, which is entitled **Previewing System and Method**; Application No. 09/307,261, filed May 6, 1999, having Docket No. JARB.007PA.

AND WHEREAS, Jarbridge, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and principal place of business at 1101 West River Drive, Suite 130, Boise, Idaho 83702, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions,



AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

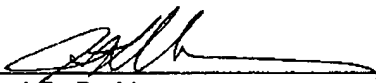
(see accompanying document)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

[SEAL]

Rev: October 29, 1996

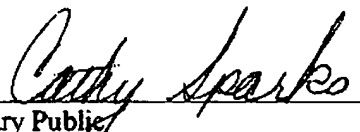
IN TESTIMONY WHEREOF, I have hereunto set my hand this 5<sup>th</sup> day of  
December, 2004.

  
\_\_\_\_\_  
Joseph L. Parkinson

STATE OF IDAHO )  
COUNTY OF ADA ) ss.

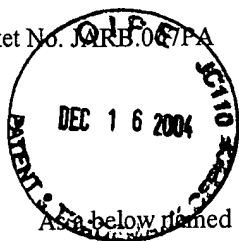
On this 5 day of December, 2004, before me personally appeared Joseph L.  
Parkinson, known to me to be the person described in and who executed the foregoing instrument, and he  
duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

  
\_\_\_\_\_  
Notary Public



Exp: RES  
11-7-06



CRAWFORD MAUNU PLLC

United States Patent Application

## SECOND DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am a joint inventor with the inventors named below of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Previewing System and Method**.

The specification of which

- a. ☐ is attached hereto  
 b. ☒ is entitled **Previewing System and Method**, having attorney docket number JARB.007PA.  
 c. ☒ was filed on May 6, 1999, as application serial no. 09/307,261 and now includes allowed claims 1-24 and 36-50, understand that previous versions of the claims have been replaced by these allowed claims 1-24 and 36-50, which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name HOOVER	First Given Name DAVID	Second Given Name S.
0	Residence & Citizenship	City NEW TRIPOLI	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
1	Post Office Address	Post Office Address 8781 MUSE ROAD	City NEW TRIPOLI	State & Zip Code/Country PA/18062/USA
Signature of Inventor 201:			Date: 11/23/2004	
2	Full Name Of Inventor	Family Name KIMOCK	First Given Name FRED	Second Given Name M.
0	Residence & Citizenship	City ALLENTOWN	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
2	Post Office Address	Post Office Address 7331 WILLIAM AVE	City ALLENTOWN	State & Zip Code/Country PA/18106/USA
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name BARKLEY	First Given Name LESLIE	Second Given Name L.
0	Residence & Citizenship	City KING OF PRUSSIA	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
3	Post Office Address	Post Office Address 705 FLINT HILL ROAD	City KING OF PRUSSIA	State & Zip Code/Country PA/19406/USA
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name KOWALCHUK	First Given Name STEPHEN	Second Given Name P.
0	Residence & Citizenship	City LOWER SAUCON	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
4	Post Office Address	Post Office Address 1846 MANSFILED STREET	City LOWER SAUCON	State & Zip Code/Country PA/18055/USA
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name PARKINSON	First Given Name JOSEPH	Second Given Name L.
0	Residence & Citizenship	City BOISE	State or Foreign Country IDAHO	Country of Citizenship USA
3	Post Office Address	Post Office Address 123 WEST HIGHLAND VIEW DRIVE	City BOISE	State & Zip Code/Country ID/83702/USA
Signature of Inventor 203:			Date:	

2	Full Name Of Inventor	Family Name GIANNINI	First Given Name ROBERT	Second Given Name
0	Residence & Citizenship	City JERSEY CITY	State or Foreign Country NEW JERSEY	Country of Citizenship USA
4	Post Office Address	Post Office Address 101-42 EAST SHEARWATER COURT	City JERSEY CITY	State & Zip Code/Country NJ/07305/USA
Signature of Inventor 204:			Date:	

#### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

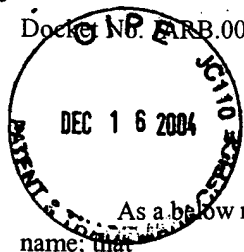
- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



CRAWFORD MAUNU PLLC

United States Patent Application

## SECOND DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am a joint inventor with the inventors named below of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Previewing System and Method**.

The specification of which

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 b. ☒ is entitled **Previewing System and Method**, having attorney docket number JARB.007PA.  
 c. ☒ was filed on May 6, 1999, as application serial no. 09/307,261 and now includes allowed claims 1-24 and 36-50, understand that previous versions of the claims have been replaced by these allowed claims 1-24 and 36-50, which I have reviewed and for which I solicit a United States patent.

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0	Residence & Citizenship	City NEW TRIPOLI	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
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0	Residence & Citizenship	City ALLENTOWN	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
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Signature of Inventor 202: <i>Fred M Kimock</i>				Date: <i>11/29/2004</i>
2	Full Name Of Inventor	Family Name BARKLEY	First Given Name LESLIE	Second Given Name L.
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Signature of Inventor 203:				Date:

2	<b>Full Name Of Inventor</b>	<b>Family Name</b> GIANNINI	<b>First Given Name</b> ROBERT	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> JERSEY CITY	<b>State or Foreign Country</b> NEW JERSEY	<b>Country of Citizenship</b> USA
4	<b>Post Office Address</b>	<b>Post Office Address</b> 101-42 EAST SHEARWATER COURT	<b>City</b> JERSEY CITY	<b>State &amp; Zip Code/Country</b> NJ/07305/USA
<b>Signature of Inventor 204:</b>				<b>Date:</b>

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(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

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CRAWFORD MAUNU PLLC

United States Patent Application

## SECOND DECLARATION UNDER 37 C.F.R. § 1.63

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The specification of which

- a. ☐ is attached hereto  
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Signature of Inventor 203: <i>Leslie L. Barkley</i>				Date: <i>Dec 1, 2004</i>
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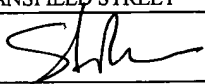
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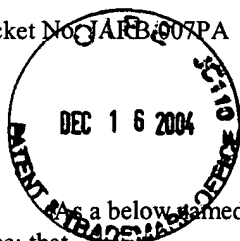
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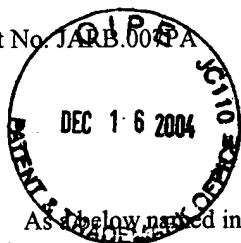
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name HOOVER	First Given Name DAVID	Second Given Name S.
0	Residence & Citizenship	City NEW TRIPOLI	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
1	Post Office Address	Post Office Address 8781 MUSE ROAD	City NEW TRIPOLI	State & Zip Code/Country PA/18062/USA
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name KIMOCK	First Given Name FRED	Second Given Name M.
0	Residence & Citizenship	City ALLENTOWN	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
2	Post Office Address	Post Office Address 7331 WILLIAM AVE	City ALLENTOWN	State & Zip Code/Country PA/18106/USA
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name BARKLEY	First Given Name LESLIE	Second Given Name L.
0	Residence & Citizenship	City KING OF PRUSSIA	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
3	Post Office Address	Post Office Address 705 FLINT HILL ROAD	City KING OF PRUSSIA	State & Zip Code/Country PA/19406/USA
Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name KOWALCHUK	First Given Name STEPHEN	Second Given Name P.
0	Residence & Citizenship	City LOWER SAUCON	State or Foreign Country PENNSYLVANIA	Country of Citizenship USA
4	Post Office Address	Post Office Address 1846 MANSFIELD STREET	City LOWER SAUCON	State & Zip Code/Country PA/18055/USA
Signature of Inventor 204:				Date:

2	Full Name Of Inventor	Family Name PARKINSON	First Given Name JOSEPH	Second Given Name L.
0	Residence & Citizenship	City BOISE	State or Foreign Country IDAHO	Country of Citizenship USA
3	Post Office Address	Post Office Address 123 WEST HIGHLAND VIEW DRIVE	City BOISE	State & Zip Code/Country ID/83702/USA
Signature of Inventor 203:				Date:

2.	Full Name Of Inventor	Family Name GIANNINI	First Given Name ROBERT	Second Given Name
0	Residence & Citizenship	City JERSEY CITY - HOBOKEN <i>RG</i>	State or Foreign Country NEW JERSEY	Country of Citizenship USA
4	Post Office Address	Post Office Address 333 RIVER ST, APT 921 191-42 EAST SHEARWATER COURT <i>RG</i> 12/3/04	City JERSEY CITY	State & Zip Code/Country <i>RG</i> NJ 07310 USA 07030 12/3/04
Signature of Inventor 204: <i>[Signature]</i>			Date: 11/25/04	

### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Hoover et al.	Examiner:	Rosen, N.
Serial No.:	09/307,261	Group Art Unit:	2165
Filed:	May 6, 1999	Docket No.:	JARB.007PA
Title:	Previewing System and Method		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 10, 2004.

By: *Erin M. Nichols*  
Erin M. Nichols

**WRITTEN CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP AND  
CERTIFICATE UNDER 37 CFR § 3.73**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Assignee, Jarbridge, Inc., hereby consents to the correction of inventorship in the instant application, the inventorship being corrected to add inventors: Joseph L. Parkinson and Robert Giannini.

**Certificate Under 37 C.F.R. § 3.73(b)**

Jarbridge, Inc., a corporation organized and existing under the laws of the State of Delaware, having a place of business at 1101 West River Drive, Suite 130, Boise, Idaho 83702 certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of assignments (copies attached) from the originally-named inventors to Diamonex, Inc. and from Diamonex, Inc. to Jarbridge, Inc. for the patent application identified above.

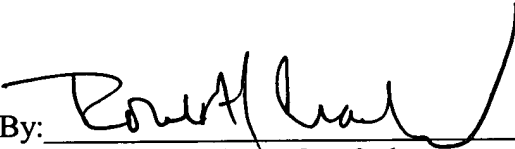
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to sign this statement on behalf of the assignee.

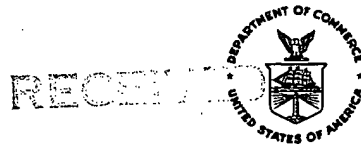
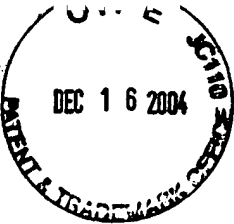
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

December 9, 2004

By:

  
Robert J. Crawford

Title: Attorney for Assignee



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 15, 1999

JUL 22 1999

COUDERT BROTHERS PTAS  
PATRICK R. JEWIK SAN FRANCISCO  
4 EMBARCADERO CENTER, SUITE 3300  
SAN FRANCISCO, CA 94111



\*101038270A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 05/06/1999

REEL/FRAME: 9944/0492  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOOVER, DAVID S.

DOC DATE: 05/05/1999

ASSIGNOR:

KIMOCK, FRED M.

DOC DATE: 05/06/1999

ASSIGNOR:

BARKLEY, LESLIE L.

DOC DATE: 05/05/1999

ASSIGNOR:

KOWALCHUK, STEPHEN P.

DOC DATE: 05/05/1999

ASSIGNEE:

DIAMONEX, INCORPORATED  
7331 WILLIAM AVENUE  
BLDG. #24, SUITE 900  
ALLENTOWN, PENNSYLVANIA 18106

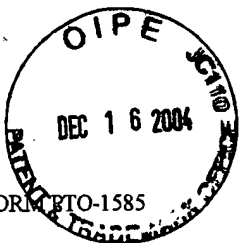
SERIAL NUMBER: 09307261  
PATENT NUMBER:

FILING DATE: 05/06/1999  
ISSUE DATE:

9944/0492 PAGE 2

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





FORM PTO-1585

MED  
5.6.99PATENT LOCATION  
Attorney Docket: 6051/53837  
Date: May 6, 1999U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

RECORDED

05-17-1999



To the Honorable Commissioner of Patents and Trade

Documents or copy thereof.

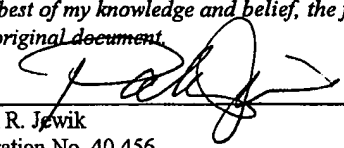
101038270

JC542 U.S. PTO

09/30/261



05/06/99

<b>1. Name of conveying party(ies):</b> David S. Hoover Fred M. Kimock Leslie L. Barkley Stephen P. Kowalchuk	<b>2. Name and address of receiving party(ies):</b>  Diamonex, Incorporated 7331 William Avenue  Bldg. #24, Suite 900 Allentown, Pennsylvania 18106
<b>3. Nature of conveyance:</b>  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name <input type="checkbox"/> Other:  Execution Dates: May 5, 1999 May 6, 1999 May 5, 1999 May 5, 1999	
<b>4. Application number(s) or patent number(s):</b> 09/307261  If this document is being filed together with a new application, the execution date of the application is: May 5, 1999; May 6, 1999; May 5, 1999; May 5, 1999	
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b>  COUDERT BROTHERS 4 Embarcadero Center, Suite 3300 San Francisco, CA 94111	<b>6. Total number of applications and patents involved:</b> 1  <b>7. Total fee (37 CFR 1.21(h)):</b> \$40.00  <input checked="" type="checkbox"/> Enclosed  8. The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 13-0201. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 13-0201.
DO NOT USE THIS SPACE	
<b>9. Statement and signature.</b> <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>   Patrick R. Jewik Registration No. 40,456  Date: May 6, 1999  *Total number of pages comprising cover sheet: 1	

05/14/1999 JSHABAZZ 00000055 09307261

01 FC:581

(40.00 PD)

### ASSIGNMENT

We, David S. Hoover, having a residence address of 8781 Muse Road, New Tripoli, Pennsylvania 18066; Fred M. Kimock, having a residence address of 2961 Magnolia Circle, Macungie, Pennsylvania 18062; Leslie L. Barkley, having a residence address of 705 Flint Hill Road, King of Prussia, Pennsylvania 19406; and Stephen P. Kowalchuk, having a residence address of 1846 Mansfield Street, Hellertown, Pennsylvania 18055 for good and valuable consideration, receipt of which is hereby acknowledged, have assigned and do hereby assign to DIAMONEX, INCORPORATED, a Delaware corporation, having a place of business at 7331 William Avenue, Bldg. #24, Suite 900, Allentown, Pennsylvania 18106 its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

### PREVIEWING SYSTEM AND METHOD

Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Attorney Docket No. 6051/53837), and in and to all Letters Patent and all convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. We agree to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this Assignment.

We further authorize and direct DIAMONEX, INCORPORATED's attorneys to insert the serial number and filing date of said application now identified as Attorney Docket No. 6051/53837 in the space provided above as soon as the same shall have been made known to them by the United States Patent and Trademark Office.

Date: 5 May 1999

  
David S. Hoover

Date: May 6, 1999

  
Fred M. Kimock

Date: 5 May 1999

  
Leslie L. Barkley

Date: 5 May 99

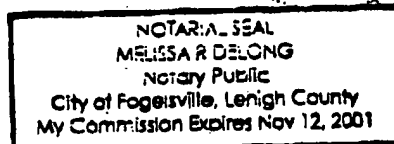
  
Stephen P. Kowalchuk

STATE OF Pennsylvania  
COUNTY OF Lehigh

On 5/5/99, before me, Melissa R. DeLong  
personally appeared David S. Hoover who proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to the within instrument and acknowledged to me that  
he/she executed the same in his/her authorized capacity, and that by his/her signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Melissa R. DeLong

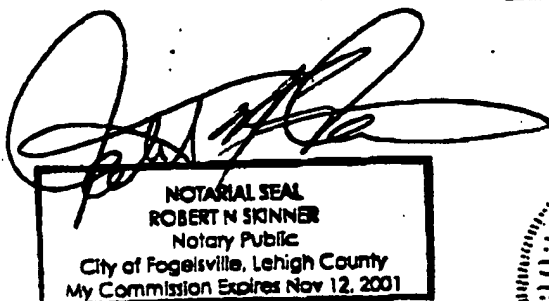
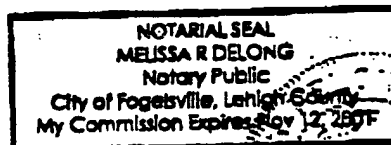


STATE OF Pennsylvania  
COUNTY OF Lehigh

On 5/5/99, before me, Melissa R. DeLong  
personally appeared Fred M. Kinnoch who proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to the within instrument and acknowledged to me that  
he/she executed the same in his/her authorized capacity, and that by his/her signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Melissa R. DeLong



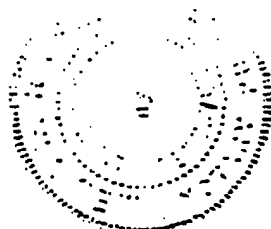
STATE OF Pennsylvania

COUNTY OF Lehigh

On 5/5/99, before me, Melissa R. DeLong,  
personally appeared Leslie L. Barkley who proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to the within instrument and acknowledged to me that  
he/she executed the same in his/her authorized capacity, and that by his/her signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Melissa R. DeLong



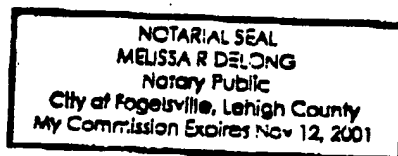
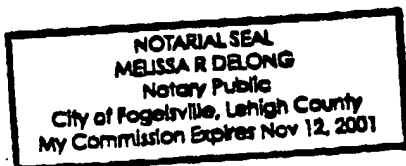
STATE OF Pennsylvania

COUNTY OF Lehigh

On 5/5/99, before me, Melissa R. DeLong,  
personally appeared Stephen P. Kowalchuk who proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to the within instrument and acknowledged  
to me that he/she executed the same in his/her authorized capacity, and that by his/her signature  
on the instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Melissa R. DeLong





MAY 26, 2000



PTAS

COUDERT BROTHERS  
PATRICK R. JEWIK  
4 EMBARCADERO CENTER, SUITE 3300  
SAN FRANCISCO, CA 94111

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



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RECORDATION DATE: 03/09/2000

REEL/FRAME: 010658/0345  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DIAMONEX, INC.

DOC DATE: 03/08/2000

ASSIGNEE:  
JARBRIDGE, INC.  
1101 WEST RIVER DRIVE, SUITE 130  
BOISE, IDAHO 83702

SERIAL NUMBER: 09307261  
PATENT NUMBER:

FILING DATE: 05/06/1999  
ISSUE DATE:

LAWAN FLETCHER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RECEIVED  
JUN - 5 2000  
COUDERT BROTHERS  
SAN FRANCISCO

04-10-2000

FORM PTO-1585



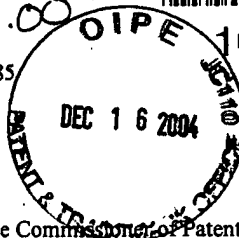
101312979

**PATENT APPLICATION**

Attorney Docket: 6051-53837

Date: March 9, 2000

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

**1. Name of conveying party(ies):**

Diamonex, Inc.  
7331 William Ave., Bldg. 24, Suite 900  
Allentown, PA 18106

**2. Name and address of receiving party(ies):**

Jarbridge, Inc.  
1101 West River Drive, Suite 130  
Boise, ID 83702

**3. Nature of conveyance:**

- ☒ Assignment  
☐ Security Agreement  
☐ Merger  
☐ Change of Name  
☐ Other:

Execution Date(s):  
March 8, 2000

**4. Application number(s) or patent number(s): 09/307,261**

**5. Name and address of party to whom correspondence concerning document should be mailed:**

Patrick R. Jewik  
COUDERT BROTHERS  
4 Embarcadero Center, Suite 3300  
San Francisco, CA 94111

**6. Total number of applications and patents involved: 1**

**7. Total fee (37 CFR 1.21(h)): \$40.00**

☒ Enclosed

8. The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 13-0201. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 13-0201.

04/10/2000 JSW:BAZZ 00000193 09307261

01 FC:581

40.00 OP

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**9. Statement and signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Patrick R. Jewik  
Registration No. 40,456

Date:

March 9, 2000

\*Total number of pages comprising cover sheet: 1

## ASSIGNMENT

Diamonex, Inc., a Delaware corporation, having a principal place of business at 7331 William Avenue, Allentown, PA 18106-9312 for good and valuable consideration, receipt of which is hereby acknowledged, have assigned and do hereby assign to Jarbridge, Inc., a Delaware corporation, having a place of business at 1101 West River Drive, Suite 130, Boise, ID 83702, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter disclosed in the following applications for Letters Patent of the United States:

Previewing System and Method, U.S. Patent Application No. 09/307,261, filed May 6, 1999;

Method and System for Evaluating Articles, U.S. Patent Application No. 09/430,923, filed November 1, 1999; and

Method and System for Previewing Combinations of Articles, U.S. Patent Application No. 09/431,019, filed November 1, 1999,

and in and to all Letters Patent and all convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. Diamonex, Inc. agrees to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this Assignment.

Date: 3/8/2000

Fred M. Kimock  
Fred M. Kimock  
President, Diamonex, Inc.

STATE OF Pennsylvania )

COUNTY OF Lehigh )

On March 8, 2000, before me, Melissa R. DeLong  
personally appeared **Fred M. Kimock** who proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to the within instrument and acknowledged to me that  
he/she executed the same in his/her authorized capacity, and that by his/her signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Melissa R. DeLong

NOTARIAL SEAL  
MELISSA R DELONG  
Notary Public  
City of Fogelsville, Lehigh County  
My Commission Expires Nov 12, 2001



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